

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

AUG 27 2014

NELLIE MAE BOWERMAN,

Plaintiff,

vs.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY Shinn, DEPUTY

No. CIV-13-535-W

ORDER

On August 12, 2014, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this matter and recommended that the decision of Carolyn W. Colvin, Acting Commissioner of Social Security ("Commissioner"), denying the Applications for Disability Insurance Benefits and Supplemental Security Income filed by plaintiff Nellie Mae Bowerman be reversed. Magistrate Judge Erwin further recommended that this matter be remanded to the Commissioner for additional administrative proceedings. The parties were advised of their right to object to Magistrate Judge Erwin's Report and Recommendation, but neither party has objected within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Erwin's determination that reversal and remand of this matter is warranted. On remand, the Administrative Law Judge should properly apply the "treating physician rule" to the opinion

of Seethal Madhavarapu, M.D.¹ See Langley v. Barnhart, 373 F.3d 1116 (10th Cir. 2004); 20 C.F.R. §§ 404.1527, 416.927.

Accordingly, the Court

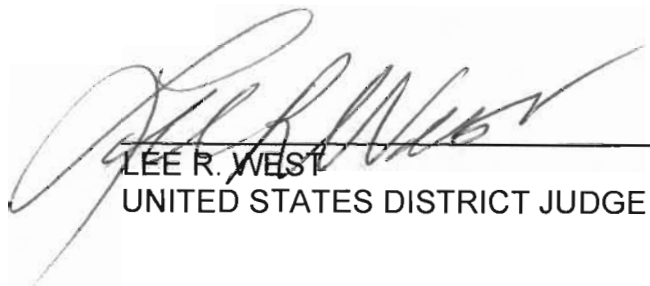
(1) ADOPTS the Report and Recommendation [Doc. 18] issued on August 12, 2014;

(2) REVERSES the Commissioner's decision denying Bowerman's Applications for Disability Insurance Benefits and Supplemental Security Income;

(3) REMANDS this matter to the Commissioner pursuant to sentence four of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for further administrative proceedings in accordance with this Order and consistent with Magistrate Judge Erwin's Report and Recommendation; and

(4) ORDERS that judgment pursuant to this Order shall issue forthwith.

ENTERED this 27th day of August, 2014.


LEE R. WEST
UNITED STATES DISTRICT JUDGE

¹Having determined that remand is warranted for this reason, the Court has not considered Bowerman's challenge to the Administrative Law Judge's treatment of the opinion of Linda Baird, APRN-BC. See Doc. 13-6.